

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
SOUTHERN DIVISION  
No. 7:07-CR-15-BO  
No. 7:16-CV-299-BO

VINCENT SINCLAIR,  
Petitioner,

v.


UNITED STATES OF AMERICA,  
Respondent.

ORDER

This matter comes before the Court on the government's response to the Court's order directing the parties notify the Court whether a continued stay of petitioner's motion pursuant to 28 U.S.C. §2255 is necessary. The government requests a continued stay of consideration of petitioner's § 2255 motion pending resolution of *United States v. Simms*, No. 15-4640 (4th Cir. 2016), which is currently scheduled for oral argument on September 26, 2018.

For good cause shown, the stay in this matter shall continue and the § 2255 proceeding will remain in abeyance. Petitioner shall file a brief addressing the effect of *Simms* on his claim not more than twenty-one days after the date of entry of the mandate of the court of appeals. Respondent may file a response within fourteen days of the date of petitioner's filing.

SO ORDERED, this 21 day of August, 2018.

  
TERRENCE W. BOYLE  
UNITED STATES DISTRICT JUDGE